

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Criminal Minute Order

The Honorable Claudia Wilken, Presiding
Clerk: Sheilah Cahill
Court Reporter: Raynee Mercado
Date: 8/6/08

FILED
AUG - 6 2008
RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

Plaintiff: United States

v.

No. CR-07-00776 CW

Defendant: Rudy Varvel (present - in custody)

Appearances for Plaintiff:
James Mann

Appearances for Defendant:
Joyce Leavitt

Probation Officer:
Sara Black

Hearing: Sentencing

Notes: Defendant and attorney have read PSR; no factual disputes. Court warns defendant re 3 strikes law. On counts 1-7, the Court finds Offense Level 26, Criminal History III, leading to a Guideline Range of 78-97 months. Consistent with the binding plea agreement and the recommendation of probation, the Court sentences the defendant to 78 months custody on each count to run concurrent, to be followed by 3 years supervised release on all counts to run concurrent, under the usual terms and conditions and the special conditions as set forth in the PSR, except the search condition will be as set forth in the plea agreement. No fine imposed due to lack of ability to pay a fine. Defendant to pay \$700 special assessment and \$20,951 restitution which may be paid through the defendant's participation in the Bureau of Prisons' Inmate Financial Responsibility Program. While incarcerated, payment of criminal monetary penalties shall be at the rate of \$25 per quarter. Upon release from custody, any balance remaining shall be paid beginning 60 days after the start of supervised release at the rate of \$100 per month. The Court will recommend placement in a facility as close to the Bay Area as possible and that the defendant participate in BOP's 500 hour drug program. Defendant remanded into custody of the U.S. Marshal. See J&C for details.

Copies to: Chambers